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EXAMINER

STEVENS, BRIAN J

ART UNIT	PAPER NUMBER
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2611

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,885	Applicant(s) OOMEN ET AL.	
	Examiner Brian J. Stevens	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Drawings

2. The drawings are objected to because the unlabeled rectangular box(es) shown in the drawings should be provided with descriptive text labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

3. Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 18-20 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

6. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program by itself is not considered statutory subject matter.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 7-9 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0165667 A1 by Lennon et al., in view of US 2003/0050775 A1 by Zinser JR. et al.

9. Regarding claim 1, Lennon teaches a transcoder (See Paragraph [0045], "FIG. 3 is a schematic illustration of one implementation of a transcoder) comprising:

means for receiving input data (See Figure 3, [32]) representing an encoded signal (See Paragraph [0045], "that receives from path 31 an encoded signal") and comprising first parametric extension data (See Paragraph [0045], "The deformatter 32 obtains quantized spectral information, coded spectral information, one or more first control parameters");

means for determining second parametric extension data (See Paragraph [0045], "The deformatter 32 obtains quantized spectral information, coded spectral information, one or more first control parameters and one or more second control parameters from the encoded signal) but does not teach obtaining the second parametric extension from the first parametric extension data.

Lennon further teaches means for generating transcoded data (See Figure 3, [38]) including the second parametric extension data (See Paragraph [0046], "Data

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representing the re-quantized spectral information, the re-encoded spectral information and data representing the one or more second control parameters are assembled by the formatter 37 into an encoded signal, which is passed along the path 38").

Zinser teaches the knowledge of obtaining second parametric extensions from a first parametric extension (See Claim 6, "receiving first parametric data encoded according to a first encoding standard; and transforming the first parametric data to second parametric data"), is well known in the art.

10. It would have been obvious to one of ordinary skill in the art, having the teachings of Lennon and Zinser before them at the time the invention was made, to modify the teachings of Lennon to further include obtaining the second parametric extension from the first parametric extension data. The transcoder is able to perform its operations more efficiently because no computational resources are required to implement a quantizing controller to determine the first and second control parameters. One of ordinary skill in the art would therefore have been motivated to make the modification to further obtaining second parametric extensions from a first parametric extension.

11. Regarding claim 2, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Lennon further teaches wherein the input data (See Figure 3, [31]) further comprises first encoding data associated with the encoded signal (See Paragraph [0045], "transcoder 30 that receives from path 31 an encoded signal representing an audio signal") and the transcoder further comprises:

means for transcoding the first encoding data (See Figure 3, [34] and [35]) to generate second encoding data (See Figure 3, [35], where the first received encoded data was decoded, then recoded to a second encoded signal);

and the means for generating (See Figure 3, [37]) is operable to generate the transcoded data by combining the second encoding data and the second parametric extension data (See Paragraph [0046], "Data representing the re-quantized spectral information, the re-encoded spectral information and data representing the one or more second control parameters are assembled by the formatter 37 into an encoded signal, which is passed along the path 38 for transmission or storage", where the second encoded data and the second parametric data is combined to generated a transcoded data).

12. Regarding claim 3, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Zinser further teaches wherein the means for determining is operable to determine at least some of the second parametric data by copying at least some data values of the first parametric extension data (See Claim 6, "transforming the first parametric data to second parametric data", where the entire portion of the first parametric data is used to create the second parametric just through transformation).

13. Regarding claim 5, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Zinser further teaches wherein the means for

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determining comprises means for encoding data values of the second parametric extension value (See Claim 6, "transforming the first parametric data to second parametric data encoded according to a second encoding standard", where the second parametric data is generated from the first parametric value by encoding).

14. Regarding claim 7, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Lennon further teaches wherein the means for determining comprises means for identifying transient data (See Figure 3, [32]) of the first parametric extension data (See Paragraph [0045], "that receives from path 31 an encoded signal representing an audio signal. The deformatter 32 obtains quantized spectral information, coded spectral information, one or more first control parameters", where an audio signal is a transient signal, and the deformatter obtains the spectral information, thus identifies transient data, where the first control parameters is also located) and for generating the second parametric extension data in response to the transient data (See Paragraph [0047], "The transcoder 30 may include one or more quantizer controllers like the quantizing controller 14 described above to derive the one or more second control parameters", after the first parameters based upon the transient data is found).

15. Regarding claim 8, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Zinser further teaches where the means for determining is operable to include at least one transient data parameter in the second parametric

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extension data (See Claim 6, “transforming the first parametric data to second parametric data”, where the entire portion, with or without transient data, of the first parametric data is used to create the second parametric just through transformation).

16. Regarding claim 9, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Lennon further teaches wherein the means for determining comprises means for filtering the first parametric extension data prior (See Paragraph [0024], “The quantizing controller 14 derives the control parameters from detected characteristics of the input audio signal”, “These characteristics may be obtained from an analysis of the audio signal prior to, within or after processing performed by the analysis filterbank 12”. Therefore the filterbank can filter the first set of parametric data) to determining the second parametric extension data (See Paragraph [0047], “The transcoder 30 may include one or more quantizer controllers like the quantizing controller 14 described above to derive the one or more second control parameters”, after filtering takes place, another quantizer controller can derive the second control parameters).

17. Regarding claim 17, Lennon together with Zinser taught the transcoder according to claim 1, as described above. Lennon further teaches wherein the encoded signal is an audio signal (See Paragraph [0001], “The present invention generally pertains to audio coding methods and devices, and more specifically pertains to improved methods and devices for encoding and transcoding audio information”).

18. Regarding claim 18, Lennon together with Zinser taught the transcoder according to claim 1, as described above, the same rationale of rejections is applicable, wherein the method steps further comprise the modules for performing respective functions/steps discussed therein, the same rationale of rejection is applicable.

19. Regarding claim 19, Lennon together with Zinser taught the method according to claim 18, as described above. Lennon further teaches wherein the method can be carried about by a computer program (See Paragraph [0170], "Various aspects of the present invention may be implemented in a variety of ways including software for execution by a computer").

20. Regarding claim 20, Lennon together with Zinser taught the method according to claim 19, as described above. Lennon further teaches wherein the computer program that is carried out by the computer is located on a record (See Paragraph [0170], "ROM 74 represents some form of persistent storage such as read only memory (ROM) for storing programs needed to operate device 70 and to carry out various aspects of the present invention", where a record is a form of ROM).

21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0165667 A1 by Lennon et al., in view of US 2003/0050775 A1 by Zinser JR. et al., in further view of US 2004/0153316 A1 by Hardwick.

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22. Regarding claim 4, Lennon together with Zinser taught the transcoder according to claim 1, as described above, but do not teach wherein the means for determining comprises means for quantizing data values of the second parametric extension data.

Hardwick teaches the knowledge of determining second parametric data from a first parametric data via quantizing data values of the second parametric data (See the Abstract, "speech parameters are computed from the first parameter bits, and the speech parameters are quantized to produce second parameter bits"), is well known in the art.

23. It would have been obvious to one of ordinary skill in the art, having the teachings of Lennon, Zinser and Hardwick before them at the time the invention was made, to modify the teachings of Lennon and Zinser to further include wherein the means for determining comprises means for quantizing data values of the second parametric extension data. There is a finite amount of ways to determine the second parametric value from the first parametric value, and it would be obvious to try any of those methods. One of ordinary skill in the art would therefore have been motivated to make the modification to further include determining a second parametric data from a first parametric via quantizing data values of the second parametric data.

24. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0165667 A1 by Lennon et al., in view of US 2003/0050775 A1 by Zinser JR. et al., in further view of US 6,526,357 B1 by Soussan et al.

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25. Regarding claim 6, Lennon together with Zinser taught the transcoder according to claim 1, as described above, but do not teach wherein the means for determining is operable to determine at least some of the second parametric data by interpolation between parametric extension data values of the first parametric extension data.

Soussan teaches the knowledge of determining a second parametric value from the first parametric value by interpolation (See Claim 10, "measuring the first and second operational parametric values", and "using interpolation to convert the operationally measured parametric values into first and second corrected parametric quantities to find the parametric difference", where new parametric values are found.

26. It would have been obvious to one of ordinary skill in the art, having the teachings of Lennon, Zinser and Soussan before them at the time the invention was made, to modify the teachings of Lennon and Zinser to further include wherein the means for determining is operable to determine at least some of the second parametric data by interpolation between parametric extension data values of the first parametric extension data. There is a finite amount of ways to determine the second parametric value from the first parametric value, and it would be obvious to try any of those methods. One of ordinary skill in the art would therefore have been motivated to make the modification to further include determining a second parametric value from the first parametric value by interpolation.

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27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0165667 A1 by Lennon et al., in view of US 2003/0050775 A1 by Zinser JR. et al., in further view of US 6,978,236 B1 by Liljeryd et al.

28. Regarding claim 15, Lennon together with Zinser taught the transcoder according to claim 1, as described above, but do not teach wherein the second parametric extension data, which is included with the output signal, is a spectral band replication (SBR) parametric extension data.

Liljeryd teaches the knowledge of having a SBR parametric data within a coded data (See Column 2, Lines 6-7, "provides a new method, and an apparatus for spectral envelope coding", also See Column 2, Lines 11-12, "Examples are systems employing HFR (High Frequency Reconstruction), in particular SBR (Spectral Band Replication), or parametric coders"), is well known in the art.

29. It would have been obvious to one of ordinary skill in the art, having the teachings of Lennon, Zinser and Liljeryd before them at the time the invention was made, to modify the teachings of Lennon and Zinser to further include wherein the second parametric extension data, which is included with the output signal, is a spectral band replication (SBR) parametric extension data. By having the spectral band replication parametric extension data within the output signal would make the signal backward compatible with more products that include both ones that can and can not read spectral band replication. One of ordinary skill in the art would therefore have been motivated to make the modification to further include having a SBR parametric data within a coded data.

30. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0165667 A1 by Lennon et al., in view of US 2003/0050775 A1 by Zinser JR. et al., in further view of US 6,961,432 B1 by Sinha et al.

31. Regarding claim 15, Lennon together with Zinser taught the transcoder according to claim 1, as described above, but do not teach wherein the second parametric extension data, that is included with the output signal, is Parametric Stereo (PS) parametric extension data. Sinha teaches the knowledge of having a PS parametric data within a coded data (See Column 3, Lines 32-45, where the data is encoded using PS incorporated), is well known in the art.

32. It would have been obvious to one of ordinary skill in the art, having the teachings of Lennon, Zinser and Sinha before them at the time the invention was made, to modify the teachings of Lennon and Zinser to further include wherein the second parametric extension data, which is included with the output signal, is a Parametric Stereo (PS) parametric extension data. By having the Parametric Stereo parametric extension data within the output signal would make the signal backward compatible with more products that include both ones that can and can not read Parametric Stereo. One of ordinary skill in the art would therefore have been motivated to make the modification to further include having a PS parametric data within a coded data.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Stevens whose telephone number is (571)270-3623. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

/Brian J. Stevens/

/David C. Payne/

Supervisory Patent Examiner, Art Unit 2611